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1           **TITLE IV—INNOVATIVE**  
2           **EDUCATION PROGRAMS**

3   **SEC. 401. INNOVATIVE EDUCATION PROGRAM STRATEGIES.**

4           Title VI of the Elementary and Secondary Education  
5   Act of 1965 (20 U.S.C. 7301 et seq.) is amended to read  
6   as follows:

7   **“TITLE VI—INNOVATIVE EDU-**  
8       **CATION PROGRAM STRATE-**  
9       **GIES**

10   **“SEC. 6001. FINDINGS AND STATEMENT OF PURPOSE.**

11           “(a) FINDINGS.—The Congress finds that this title—

12               “(1) provides flexibility to meet local needs;

13               “(2) promotes local and State education re-  
14   forms;

15               “(3) contributes to the improvement of aca-  
16   demic achievement for all students.

17               “(4) provides funding for critical activities; and

18               “(5) provides services for private school stu-  
19   dents.

20           “(b) STATEMENT OF PURPOSE.—It is the purpose of  
21   programs under this title—

22               “(1) to provide funding to enable States and  
23   local educational agencies to implement promising  
24   educational reform programs and school improve-

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1       ment initiatives based on scientifically based re-  
2       search;

3               “(2) to provide a continuing source of innova-  
4       tion and educational improvement, including support  
5       for library services and instructional and media ma-  
6       terials; and

7               “(3) to meet the educational needs of all stu-  
8       dents, including at risk students.

9       “(c) STATE AND LOCAL RESPONSIBILITY.—The  
10     basic responsibility for the administration of funds made  
11     available under this title is within the States, but it is the  
12     intent of Congress that the responsibility be carried out  
13     with a minimum of paperwork and that the responsibility  
14     for the design and implementation of programs assisted  
15     under this title will be mainly that of local educational  
16     agencies, school superintendents and principals, and class-  
17     room teachers and supporting personnel, because such  
18     agencies and individuals have the most direct contact with  
19     students and are most likely to be able to design programs  
20     to meet the educational needs of students in their own  
21     school districts.

22       **“PART A—STATE AND LOCAL PROGRAMS**

23     **“SEC. 6101. ALLOTMENT TO STATES.**

24       “(a) RESERVATIONS.—From the sums appropriated  
25     to carry out this title for any fiscal year, the Secretary

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1 shall reserve not to exceed 1 percent for payments to out-  
2 lying areas to be allotted in accordance with their respec-  
3 tive needs.

4 “(b) ALLOTMENT.—From the remainder of such  
5 sums, the Secretary shall allot to each State an amount  
6 which bears the same ratio to the amount of such remain-  
7 der as the school-age population of the State bears to the  
8 school-age population of all States, except that no State  
9 shall receive less than an amount equal to  $\frac{1}{2}$  of 1 percent  
10 of such remainder.

11 **“SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**  
12 **CIES.**

13 “(a) DISTRIBUTION RULE.—

14 “(1) IN GENERAL.—Subject to paragraph (2),  
15 from the sums made available each year to carry out  
16 this title, the State shall distribute not less than 85  
17 percent to local educational agencies within such  
18 State according to the relative enrollments in public  
19 and private, nonprofit schools within the jurisdic-  
20 tions of such agencies, adjusted, in accordance with  
21 criteria approved by the Secretary, to provide higher  
22 per-pupil allocations to local educational agencies  
23 that have the greatest numbers or percentages of  
24 children whose education imposes a higher than av-  
25 erage cost per child, such as—

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1                   “(A) children living in areas with high con-  
2                   centrations of low-income families;

3                   “(B) children from low-income families;  
4                   and

5                   “(C) children living in sparsely populated  
6                   areas.

7                   “(2) EXCEPTION.—100 percent of any amount  
8                   by which the funds paid to a State under this title  
9                   for a fiscal year exceed the amount of such funds  
10                  paid to the State for fiscal year 2000 shall be dis-  
11                  tributed to local educational agencies and used lo-  
12                  cally for innovative assistance described in section  
13                  6301(b).

14                  “(3) LIMITATION ON ADMINISTRATIVE COSTS.—  
15                  Not more than 4 percent of the funds paid to a  
16                  State under this title for a fiscal year may be used  
17                  by the agency for administration and supervision of  
18                  programs assisted under this title.

19                  “(b) CALCULATION OF ENROLLMENTS.—

20                  “(1) IN GENERAL.—The calculation of relative  
21                  enrollments under subsection (a)(1) shall be on the  
22                  basis of the total of—

23                         “(A) the number of children enrolled in  
24                         public schools; and

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1           “(B) the number of children enrolled in  
2           private nonprofit schools that desire that their  
3           children participate in programs or projects as-  
4           sisted under this title, for the fiscal year pre-  
5           ceding the fiscal year for which the determina-  
6           tion is made.

7           “(2) CONSTRUCTION.—Nothing in this sub-  
8           section shall diminish the responsibility of local edu-  
9           cational agencies to contact, on an annual basis, ap-  
10          propriate officials from private nonprofit schools  
11          within the areas served by such agencies in order to  
12          determine whether such schools desire that their  
13          children participate in programs assisted under this  
14          part.

15          “(3) ADJUSTMENTS.—

16                 “(A) IN GENERAL.—Relative enrollments  
17                 under subsection (a)(1) shall be adjusted, in ac-  
18                 cordance with criteria approved by the Sec-  
19                 retary under subparagraph (B), to provide  
20                 higher per-pupil allocations only to local edu-  
21                 cational agencies that serve the greatest num-  
22                 bers or percentages of—

23                         “(i) children living in areas with high  
24                         concentrations of low-income families;

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1 “(ii) children from low-income fami-  
2 lies; or

3 “(iii) children living in sparsely popu-  
4 lated areas.

5 “(B) CRITERIA.—The Secretary shall re-  
6 view criteria submitted by a State for adjusting  
7 allocations under paragraph (1) and shall ap-  
8 prove such criteria only if the Secretary deter-  
9 mines that such criteria are reasonably cal-  
10 culated to produce an adjusted allocation that  
11 reflects the relative needs within the State’s  
12 local educational agencies based on the factors  
13 set forth in subparagraph (A).

14 “(c) PAYMENT OF ALLOCATIONS.—

15 “(1) DISTRIBUTION.—From the funds paid to a  
16 State under this title for a fiscal year, a State shall  
17 distribute to each eligible local educational agency  
18 that has submitted an application as required in sec-  
19 tion 6303 the amount of such local educational  
20 agency’s allocation, as determined under subsection  
21 (a).

22 “(2) ADDITIONAL FUNDS.—

23 “(A) IN GENERAL.—Additional funds re-  
24 sulting from higher per-pupil allocations pro-  
25 vided to a local educational agency on the basis

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1 of adjusted enrollments of children described in  
2 subsection (a)(1) may, in the discretion of the  
3 local educational agency, be allocated for ex-  
4 penditures to provide services for children en-  
5 rolled in public and private nonprofit schools in  
6 direct proportion to the number of children de-  
7 scribed in subsection (a)(1) and enrolled in  
8 such schools within the local educational agen-  
9 cy.

10 “(B) ELECTION.—In any fiscal year, any  
11 local educational agency that elects to allocate  
12 such additional funds in the manner described  
13 in subparagraph (A) shall allocate all additional  
14 funds to schools within the local educational  
15 agency in such manner.

16 “(C) CONSTRUCTION.—Subparagraphs (A)  
17 and (B) may not be construed to require any  
18 school to limit the use of the additional funds  
19 described in subparagraph (A) to the provision  
20 of services to specific students or categories of  
21 students.

22 **“PART B—STATE PROGRAMS**

23 **“SEC. 6201. STATE USES OF FUNDS.**

24 “A State may use funds made available for State use  
25 under this title only for—

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1           “(1) State administration of programs under  
2           this title including—

3                   “(A) supervision of the allocation of funds  
4                   to local educational agencies;

5                   “(B) planning, supervision, and processing  
6                   of State funds; and

7                   “(C) monitoring and evaluation of pro-  
8                   grams and activities under this title;

9           “(2) support for planning, designing, and initial  
10           implementation of charter schools as described in  
11           part C of title X; and

12                   “(3) statewide education reform and school im-  
13                   provement activities and technical assistance and di-  
14                   rect grants to local educational agencies which assist  
15                   such agencies under section 6301.

16   **“SEC. 6202. STATE APPLICATIONS.**

17           “(a) APPLICATION REQUIREMENTS.—Any State that  
18           desires to receive assistance under this title shall submit  
19           to the Secretary an application which—

20                   “(1) provides for an annual statewide summary  
21                   of how assistance under this title is contributing to-  
22                   ward improving student achievement or improving  
23                   the quality of education for students;

24                   “(2) sets forth the allocation of such funds re-  
25                   quired to implement section 6402;



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1           “(3) provides that the State will keep such  
2       records and provide such information to the Sec-  
3       retary as may be required for fiscal audit and pro-  
4       gram evaluation (consistent with the responsibilities  
5       of the Secretary under this section);

6           “(4) provides assurance that, apart from tech-  
7       nical and advisory assistance and monitoring compli-  
8       ance with this title, the State has not exercised and  
9       will not exercise any influence in the decisionmaking  
10      processes of local educational agencies as to the ex-  
11      penditure made pursuant to an application under  
12      section 6303;

13          “(5) contains assurances that there is compli-  
14      ance with the specific requirements of this title; and

15          “(6) provides for timely public notice and public  
16      dissemination of the information provided pursuant  
17      to paragraph (2).

18          “(b) STATEWIDE SUMMARY.—The statewide sum-  
19      mary referred to in subsection (a)(2) shall be submitted  
20      to the Secretary and shall be derived from the evaluation  
21      information submitted by local educational agencies to the  
22      State under section 6303(a)(8). The format and content  
23      of such summary shall be in the discretion of the State  
24      and may include statistical measures such as the number  
25      of students served by each type of innovative assistance

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1 described in subsection (b), including the number of teach-  
2 ers trained.

3 “(c) PERIOD OF APPLICATION.—An application filed  
4 by the State under subsection (a) shall be for a period  
5 not to exceed 3 years, and may be amended annually as  
6 may be necessary to reflect changes without filing a new  
7 application.

8 “(d) AUDIT RULE.—Local educational agencies re-  
9 ceiving less than an average of \$5,000 each under this  
10 title shall not be audited more frequently than once every  
11 5 years.

12 **“PART C—LOCAL INNOVATIVE EDUCATION**  
13 **PROGRAMS**

14 **“SEC. 6301. TARGETED USE OF FUNDS.**

15 “(a) GENERAL RULE.—Funds made available to local  
16 educational agencies under section 6102 shall be used for  
17 innovative assistance described in subsection (b).

18 “(b) INNOVATIVE ASSISTANCE.—The innovative as-  
19 sistance programs referred to in subsection (a) may  
20 include—

21 “(1) professional development activities and the  
22 hiring of teachers, including activities consistent  
23 with title II, that give teachers, principals, and ad-  
24 ministrators the knowledge and skills to provide stu-  
25 dents with the opportunity to meet challenging State

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1 or local content standards and student performance  
2 standards;

3 “(2) technology related to the implementation  
4 of school-based reform programs, including profes-  
5 sional development to assist teachers and other  
6 school officials regarding how to use effectively such  
7 equipment and software;

8 “(3) programs for the development or acquisi-  
9 tion and use of instructional and educational mate-  
10 rials, including library services and materials (in-  
11 cluding media materials), assessments, reference ma-  
12 terials, computer software and hardware for instruc-  
13 tional use, and other curricular materials which are  
14 tied to high academic standards and which will be  
15 used to improve student achievement and which are  
16 part of an overall education reform program;

17 “(4) promising education reform projects, in-  
18 cluding effective schools and magnet schools;

19 “(5) programs to improve the academic skills of  
20 disadvantaged elementary and secondary school stu-  
21 dents and to prevent students from dropping out of  
22 school;

23 “(6) programs to combat illiteracy in the stu-  
24 dent and adult population, including parent illit-  
25 eracy;

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1 “(7) programs to provide for the educational  
2 needs of gifted and talented children;

3 “(8) planning, designing, and initial implemen-  
4 tation of charter schools as described in part C of  
5 title X;

6 “(9) school improvement programs or activities  
7 under sections 1116 and 1117;

8 “(10) education reform projects that provide  
9 single gender schools and classrooms, as long as  
10 comparable educational opportunities are offered for  
11 students of both sexes;

12 “(11) community service programs that use  
13 qualified school personnel to train and mobilize  
14 young people to measurably strengthen their com-  
15 munities through nonviolence, responsibility, com-  
16 passion, respect, and moral courage;

17 “(12) curriculum-based youth entrepreneurship  
18 education programs with demonstrated records of  
19 empowering disadvantaged youth with applied math-  
20 ematics, entrepreneurial, and other analytical skills;

21 “(13) activities to promote consumer, economic,  
22 and personal finance education, such as dissemi-  
23 nating and encouraging the best practices for teach-  
24 ing the basic principles of economics and promoting  
25 the concept of achieving financial literacy through

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1 the teaching of personal financial management skills  
2 including the basic principles involved with earning,  
3 spending, saving, and investing;

4 “(14) public school choice; and

5 “(15) expanding and improving school-based  
6 mental health services, including early identification  
7 of drug use and violence, assessment, and direct in-  
8 dividual or group counseling services provided to stu-  
9 dents, parents, and school personnel by qualified  
10 school based mental health services personnel.

11 **“SEC. 6302. ADMINISTRATIVE AUTHORITY.**

12 “In order to conduct the activities authorized by this  
13 title, each State or local educational agency may use funds  
14 reserved for this title to make grants to, and to enter into  
15 contracts with, local educational agencies, institutions of  
16 higher education, libraries, museums, and other public and  
17 private nonprofit agencies, organizations, and institutions.

18 **“SEC. 6303. LOCAL APPLICATIONS.**

19 “(a) CONTENTS OF APPLICATION.—A local edu-  
20 cational agency or consortium of such agencies may re-  
21 ceive an allocation of funds under this title for any year  
22 for which an application is submitted to the State and  
23 such application is certified to meet the requirements of  
24 this section. The State shall certify any such application  
25 if such application—

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1 “(1) describes locally identified needs relative to  
2 the purposes of this title and to the innovative as-  
3 sistance described in section 6301(b);

4 “(2) based on the needs identified in paragraph  
5 (1), sets forth the planned allocation of funds among  
6 innovative assistance programs described in section  
7 6301 and describes the programs, projects, and ac-  
8 tivities designed to carry out such innovative assist-  
9 ance that the local educational agency intends to  
10 support;

11 “(3) sets forth the allocation of such funds re-  
12 quired to implement section 6402;

13 “(4) describes how assistance under this title  
14 will contribute to improving student academic  
15 achievement;

16 “(5) provides assurances of compliance with the  
17 provisions of this title, including the participation of  
18 children enrolled in private, nonprofit schools in ac-  
19 cordance with section 6402;

20 “(6) agrees to keep such records, and provide  
21 such information to the State as reasonably may be  
22 required for fiscal audit and program evaluation,  
23 consistent with the responsibilities of the State  
24 under this title;

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1           “(7) provides in the allocation of funds for the  
2           assistance authorized by this title, and in the design,  
3           planning, and implementation of such programs, for  
4           systematic consultation with parents of children at-  
5           tending elementary and secondary schools in the  
6           area served by the local educational agency, with  
7           teachers and administrative personnel in such  
8           schools, and with other groups involved in the imple-  
9           mentation of this title (such as librarians, school  
10          counselors, and other pupil services personnel) as  
11          may be considered appropriate by the local edu-  
12          cational agency; and

13          “(8) provides assurance that—

14               “(A) programs, services, and activities will  
15               be evaluated annually;

16               “(B) such evaluation will be used to deter-  
17               mine and implement appropriate changes in  
18               program services and activities for the subse-  
19               quent year;

20               “(C) such evaluation shall describe how as-  
21               sistance under this title contributed toward im-  
22               proving student academic achievement; and

23               “(D) such evaluation shall be submitted to  
24               the State in the time and manner requested by  
25               the agency.

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1       “(b) PERIOD OF APPLICATION.—An application filed  
2 by a local educational agency under subsection (a) shall  
3 be for a period not to exceed 3 fiscal years, may provide  
4 for the allocation of funds to programs for a period of  
5 3 years, and may be amended annually as may be nec-  
6 essary to reflect changes without filing a new application.

7       “(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—  
8 Subject to the limitations and requirements of this title,  
9 a local educational agency shall have complete discretion  
10 in determining how funds under this part shall be divided  
11 under section 6301. In exercising such discretion, a local  
12 educational agency shall ensure that expenditures under  
13 this part carry out the purposes of this title and are used  
14 to meet the educational needs within the schools of such  
15 local educational agency.

16               **“PART D—GENERAL PROVISIONS**

17       **“SEC. 6401. MAINTENANCE OF EFFORT; FEDERAL FUNDS**  
18               **SUPPLEMENTARY.**

19       “(a) MAINTENANCE OF EFFORT.—

20               “(1) IN GENERAL.—Except as provided in para-  
21 graph (2), a State is entitled to receive its full allo-  
22 cation of funds under this part for any fiscal year  
23 if the Secretary finds that either the combined fiscal  
24 effort per student or the aggregate expenditures  
25 within the State with respect to the provision of free



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1 public education for the fiscal year preceding the fis-  
2 cal year for which the determination is made was  
3 not less than 90 percent of such combined fiscal ef-  
4 fort or aggregate expenditures for the second fiscal  
5 year preceding the fiscal year for which the deter-  
6 mination is made.

7 “(2) REDUCTION OF FUNDS.—The Secretary  
8 shall reduce the amount of the allocation of funds  
9 under this part in any fiscal year in the exact pro-  
10 portion to which the State fails to meet the require-  
11 ments of paragraph (1) by falling below 90 percent  
12 of both the fiscal effort per student and aggregate  
13 expenditures (using the measure most favorable to  
14 the State), and no such lesser amount shall be used  
15 for computing the effort required under paragraph  
16 (1) for subsequent years.

17 “(3) WAIVERS.—The Secretary may waive, for  
18 1 fiscal year only, the requirements of this section  
19 if the Secretary determines that such a waiver would  
20 be equitable due to exceptional or uncontrollable cir-  
21 cumstances such as a natural disaster or a precipi-  
22 tous and unforeseen decline in the financial re-  
23 sources of the State.

24 “(b) FEDERAL FUNDS SUPPLEMENTARY.—A State  
25 or local educational agency may use and allocate funds

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1 received under this part only so as to supplement and, to  
2 the extent practical, increase the level of funds that would,  
3 in the absence of Federal funds made available under this  
4 part, be made available from non-Federal sources, and in  
5 no case may such funds be used so as to supplant funds  
6 from non-Federal sources.

7 **“SEC. 6402. PARTICIPATION OF CHILDREN ENROLLED IN**  
8 **PRIVATE SCHOOLS.**

9 “(a) PARTICIPATION ON EQUITABLE BASIS.—

10 “(1) IN GENERAL.—To the extent consistent  
11 with the number of children in the school district of  
12 a local educational agency which is eligible to receive  
13 funds under this title or which serves the area in  
14 which a program or project assisted under this title  
15 is located who are enrolled in private nonprofit ele-  
16 mentary and secondary schools, or with respect to  
17 instructional or personnel training programs funded  
18 by the State from funds made available for State  
19 use, such agency, after consultation with appropriate  
20 private school officials, shall provide for the benefit  
21 of such children in such schools secular, neutral, and  
22 nonideological services, materials, and equipment, in-  
23 cluding the participation of the teachers of such chil-  
24 dren (and other educational personnel serving such  
25 children) in training programs, and the repair or

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1 minor remodeling of public facilities as may be nec-  
2 essary for their provision (consistent with subsection  
3 (c) of this section), or, if such services, materials,  
4 and equipment are not feasible or necessary in one  
5 or more such private schools as determined by the  
6 local educational agency after consultation with the  
7 appropriate private school officials, shall provide  
8 such other arrangements as will assure equitable  
9 participation of such children in the purposes and  
10 benefits of this title.

11 “(2) OTHER PROVISIONS FOR SERVICES.—If no  
12 program or project is carried out under paragraph  
13 (1) in the school district of a local educational agen-  
14 cy, the State shall make arrangements, such as  
15 through contracts with nonprofit agencies or organi-  
16 zations, under which children in private schools in  
17 such district are provided with services and mate-  
18 rials to the extent that would have occurred if the  
19 local educational agency had received funds under  
20 this title.

21 “(3) APPLICATION OF REQUIREMENTS.—The  
22 requirements of this section relating to the participa-  
23 tion of children, teachers, and other personnel serv-  
24 ing such children shall apply to programs and  
25 projects carried out under this title by a State or

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1 local educational agency, whether directly or through  
2 grants to or contracts with other public or private  
3 agencies, institutions, or organizations.

4 “(b) EQUAL EXPENDITURES.—Expenditures for pro-  
5 grams pursuant to subsection (a) shall be equal (con-  
6 sistent with the number of children to be served) to ex-  
7 penditures for programs under this title for children en-  
8 rolled in the public schools of the local educational agency,  
9 taking into account the needs of the individual children  
10 and other factors which relate to such expenditures, and  
11 when funds available to a local educational agency under  
12 this title are used to concentrate programs or projects on  
13 a particular group, attendance area, or grade or age level,  
14 children enrolled in private schools who are included with-  
15 in the group, attendance area, or grade or age level se-  
16 lected for such concentration shall, after consultation with  
17 the appropriate private school officials, be assured equi-  
18 table participation in the purposes and benefits of such  
19 programs or projects.

20 “(c) FUNDS.—

21 “(1) ADMINISTRATION OF FUNDS AND PROP-  
22 erty.—The control of funds provided under this  
23 title, and title to materials, equipment, and property  
24 repaired, remodeled, or constructed with such funds,  
25 shall be in a public agency for the uses and purposes

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1 provided in this title, and a public agency shall ad-  
2 minister such funds and property.

3 “(2) PROVISION OF SERVICES.—The provision  
4 of services pursuant to this title shall be provided by  
5 employees of a public agency or through contract by  
6 such public agency with a person, an association,  
7 agency, or corporation who or which, in the provi-  
8 sion of such services, is independent of such private  
9 school and of any religious organizations, and such  
10 employment or contract shall be under the control  
11 and supervision of such public agency, and the funds  
12 provided under this title shall not be commingled  
13 with State or local funds.

14 “(d) STATE PROHIBITION WAIVER.—If by reason of  
15 any provision of law a State or local educational agency  
16 is prohibited from providing for the participation in pro-  
17 grams of children enrolled in private elementary and sec-  
18 ondary schools, as required by this section, the Secretary  
19 shall waive such requirements and shall arrange for the  
20 provision of services to such children through arrange-  
21 ments which shall be subject to the requirements of this  
22 section.

23 “(e) WAIVER AND PROVISION OF SERVICES.—

24 “(1) FAILURE TO COMPLY.—If the Secretary  
25 determines that a State or a local educational agen-

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1       cy has substantially failed or is unwilling to provide  
2       for the participation on an equitable basis of chil-  
3       dren enrolled in private elementary and secondary  
4       schools as required by this section, the Secretary  
5       may waive such requirements and shall arrange for  
6       the provision of services to such children through ar-  
7       rangements which shall be subject to the require-  
8       ments of this section.

9               “(2) WITHHOLDING OF ALLOCATION.—Pending  
10       final resolution of any investigation or complaint  
11       that could result in a determination under this sub-  
12       section or subsection (d), the Secretary may with-  
13       hold from the allocation of the affected State or local  
14       educational agency the amount estimated by the  
15       Secretary to be necessary to pay the cost of those  
16       services.

17       “(f) DETERMINATION.—Any determination by the  
18       Secretary under this section shall continue in effect until  
19       the Secretary determines that there will no longer be any  
20       failure or inability on the part of the State or local edu-  
21       cational agency to meet the requirements of subsections  
22       (a) and (b).

23       “(g) PAYMENT FROM STATE ALLOTMENT.—When  
24       the Secretary arranges for services pursuant to this sec-  
25       tion, the Secretary shall, after consultation with the ap-

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1 appropriate public and private school officials, pay the cost  
2 of such services, including the administrative costs of ar-  
3 ranging for those services, from the appropriate allotment  
4 of the State under this title.

5 “(h) REVIEW.—

6 “(1) WRITTEN OBJECTIONS.—The Secretary  
7 shall not take any final action under this section  
8 until the State and the local educational agency af-  
9 fected by such action have had an opportunity, for  
10 not less than 45 days after receiving written notice  
11 thereof, to submit written objections and to appear  
12 before the Secretary or the Secretary’s designee to  
13 show cause why that action should not be taken.

14 “(2) COURT ACTION.—If a State or local edu-  
15 cational agency is dissatisfied with the Secretary’s  
16 final action after a proceeding under paragraph (1),  
17 such agency may, not later than 60 days after notice  
18 of such action, file with the United States court of  
19 appeals for the circuit in which such State is located  
20 a petition for review of that action. A copy of the  
21 petition shall be transmitted by the clerk of the  
22 court to the Secretary. The Secretary thereupon  
23 shall file in the court the record of the proceedings  
24 on which the Secretary based this action, as pro-

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1 vided in section 2112 of title 28, United States  
2 Code.

3 “(3) REMAND TO SECRETARY.—The findings of  
4 fact by the Secretary, if supported by substantial  
5 evidence, shall be conclusive; but the court, for good  
6 cause shown, may remand the case to the Secretary  
7 to take further evidence and the Secretary may  
8 make new or modified findings of fact and may mod-  
9 ify the Secretary’s previous action, and shall file in  
10 the court the record of the further proceedings. Such  
11 new or modified findings of fact shall likewise be  
12 conclusive if supported by substantial evidence.

13 “(4) COURT REVIEW.—Upon the filing of such  
14 petition, the court shall have jurisdiction to affirm  
15 the action of the Secretary or to set such action  
16 aside, in whole or in part. The judgment of the court  
17 shall be subject to review by the Supreme Court of  
18 the United States upon certiorari or certification as  
19 provided in section 1254 of title 28, United States  
20 Code.

21 **“SEC. 6403. FEDERAL ADMINISTRATION.**

22 “(a) TECHNICAL ASSISTANCE.—The Secretary, upon  
23 request, shall provide technical assistance to States and  
24 local educational agencies under this title.



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1       “(b) RULEMAKING.—The Secretary shall issue regu-  
2   lations under this title only to the extent that such regula-  
3   tions are necessary to ensure that there is compliance with  
4   the specific requirements and assurances required by this  
5   title.

6       “(c) AVAILABILITY OF APPROPRIATIONS.—Notwith-  
7   standing any other provision of law, unless expressly in  
8   limitation of this subsection, funds appropriated in any  
9   fiscal year to carry out activities under this title shall be-  
10   come available for obligation on July 1 of such fiscal year  
11   and shall remain available for obligation until the end of  
12   the subsequent fiscal year.

13   **“SEC. 6404. DEFINITIONS.**

14       “For purposes of this title:

15           “(1) EFFECTIVE SCHOOLS PROGRAMS.—The  
16       term ‘effective schools programs’ means school-based  
17       programs that may encompass preschool through  
18       secondary school levels and that have the objectives  
19       of—

20                   “(A) promoting school-level planning, in-  
21                   structional improvement, and staff development;

22                   “(B) increasing the academic achievement  
23                   levels of all children and particularly education-  
24                   ally disadvantaged children; and

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1           “(C) achieving as ongoing conditions in the  
2           school the following factors identified through  
3           scientifically based research as distinguishing  
4           effective from ineffective schools:

5                   “(i) Strong and effective administra-  
6                   tive and instructional leadership that cre-  
7                   ates consensus on instructional goals and  
8                   organizational capacity for instructional  
9                   problem solving.

10                   “(ii) Emphasis on the acquisition of  
11                   basic and advanced academic skills.

12                   “(iii) A safe and orderly school envi-  
13                   ronment that allows teachers and pupils to  
14                   focus their energies on academic achieve-  
15                   ment.

16                   “(iv) Continuous review of students  
17                   and programs to evaluate the effects of in-  
18                   struction.

19           “(2) SCHOOL-AGE POPULATION.—The term  
20           ‘school-age population’ means the population aged 5  
21           through 17.

22           “(3) SCIENTIFICALLY BASED RESEARCH.—The  
23           term ‘scientifically based research’—

24                   “(A) means the application of rigorous,  
25                   systematic, and objective procedures to obtain

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1 valid knowledge relevant to effective schools  
2 programs; and

3 “(B) shall include research that—

4 “(i) employs systematic, empirical  
5 methods that draw on observation or ex-  
6 periment;

7 “(ii) involves rigorous data analyses  
8 that are adequate to test the stated  
9 hypotheses and justify the general conclu-  
10 sions drawn;

11 “(iii) relies on measurements or obser-  
12 vational methods that provide valid data  
13 across evaluators and observers and across  
14 multiple measurements and observations;  
15 and

16 “(iv) has been accepted by a peer-re-  
17 viewed journal or approved by a panel of  
18 independent experts through a comparably  
19 rigorous, objective, and scientific review.

20 “(4) STATE.—The term ‘State’ means each of  
21 the 50 States, the District of Columbia, and the  
22 Commonwealth of Puerto Rico.

23 **“SEC. 6405. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out  
25 this title \$365,750,000 for fiscal year 2000 and such sums

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1 as may be necessary for each of the 5 succeeding fiscal  
2 years.”.